

DOCKET NO.: ISIS-3292



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	_		면 :					
In Re Application of: Nielson et al. Serial No.: 09/486,623 Filing Date: July 6, 2000 For: PEPTIDE NUCLEIC ACIDS HAV		Confirmation No.: 9879	JAN 2 1 2000 CENTER 1600					
		C A.A.VI24. 1/21	TEF					
Serial No.: 09/486,623		Group Art Unit: 1631	1 20 1 160					
Filing	Date: July 6, 2000	Examiner: A. Marschel	00/22					
For:	PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVI							
	,	EXPRESS MAIL LABEL NO: EL 88478 DATE OF DEPOSIT: January 15, 2003	32297 US					
		EL884782297US						
Box	□ NON-FEE☑ AF							
	ant Commissioner for Patents ington DC 20231							
Sir:	•							
	REPLY TRAN	ISMITTAL LETTER						
	Transmitted herewith for filing in the above-identified patent application is:							
	A Preliminary Amendment.							
	An Amendment Responsive to the Office Action Dated .							
	An Amendment Supplemental to the	e Paper filed .						
\boxtimes	Other: Request for Reconsideratio 2002.	n Further to Notice of Appeal filed D	ecember 20,					
	Applicant(s) has previously claimed	i small entity status under 37 CFR § 1.	.27.					
	Applicant(s) by its/their undersign CFR § 1.27 as:	ned attorney, claims small entity stat	aus under 37					

an Independent Inventor

a Small Business Concern

DO	CKET NO.: ISIS-3292 - 2 - PAT	ENT
	a Nonprofit Organization	
	This application is no longer entitled to small entity status. It is requested that noted in the files of the U.S. Patent and Trademark Office.	this b
	Loss of Entitlement Enclosed	
	Substitute Pages of the Specification are enclosed.	
	An Abstract is enclosed.	
	Sheets of Proposed Corrected Drawings are enclosed.	
	A Certified Copy of each of the following applications: is enclosed.	
	An Associate Power of Attorney is enclosed.	
	Information Disclosure Statement.	
	Attached Form 1449.	
	A copy of each reference as listed on the attached Form PTO-1449 is enherewith.	closed
	Appended Material as follows:	
\boxtimes	Other Material as follows: Submission of Terminal Disclaimer and Te Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent	rmina

FEE CALCULATION

No	Additional	Fee	is	Due
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			SMALI	LENTITY	NOT SMALL ENTITY		
	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	RATE	FEE	RATE	FEE
TOTAL CLAIMS	7	32 (20 MINIMUM)	0	\$9 EACH	\$	\$18 EACH	\$0
INDEP. CLAIMS	1	6 (3 MINIMUM)	0	\$42 EACH	\$	\$84 EACH	\$0
FIRST PRI	ESENTATION OF M	ULTIPLE DEPI	ENDENT	\$140	\$	\$280	\$0
ONE M	ONTH EXTENSIO	N OF TIME		\$55	\$	\$110	\$0
☐ TWO MONTH EXTENSION OF TIME			\$205	\$	\$410	\$0	
THREE MONTH EXTENSION OF TIME			\$465	\$	\$930	\$0	
FOUR MONTH EXTENSION OF TIME			\$725	\$	\$1450	\$0	
FIVE MONTH EXTENSION OF TIME			\$985	\$	\$1970	\$0	
LESS ANY EXTENSION FEE ALREADY PAID			minus	(\$)	minus	(\$0)	
☐ TERMINAL DISCLAIMER			\$55	\$	\$110	\$110	
отнен	R FEE OR SURCHA	RGE AS FOLLO	OWS:				
TOTAL FEE DUE				\$		\$110.00	
\boxtimes	A check in the an any overpayment				charge any	deficiency or	credit
	Petition is hereby	made under 3	37 CFR § 1	.136(a) (fe	es: 37 CFR	2 § 1.17(a)(1)	-(4) to

LESS.	ANY EX	XTENSION FEE ALREADY PAID	minus	(\$		minus	(\$0)		
TERM	TERMINAL DISCLAIMER \$55 \$				\$110	\$110			
ОТНЕ	R FEE (OR SURCHARGE AS FOLLOWS:							
		TOTAL FEE DUE		\$			\$110.00		
\boxtimes		eck in the amount of \$110.00 is attactive payment to Deposit Account 23-30		e charge	e any	deficiency	or credit		
	Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4) to extend the time for response to the Office Action of to and through comprising an extension of the shortened statutory period of month(s).								
	appro any f ident furthe	The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.							
The Commissioner is hereby authorized to charge payment of the for associated with this communication or credit any overpayment to Dep No. 23-3050. This sheet is provided in duplicate.						the follow to Deposit	ving fees Account		
		The foregoing amount due for filing	g this paper						
	\boxtimes	Any additional filing fees required, claims under 37 CFR § 1.16.	including	fees for	the p	oresentation	n of extra		

Any additional patent application processing fees under 37 CFR § 1.17 or 1.20(d).

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the U.S. Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: 15 2007

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PATENT



RESPONSE UNDER 37 CFR 1.116 EXPEDITED PROCEDURE EXAMINING GROUP 1631

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nielsen et al.

Serial No.: 09/486,623

Filed: July 6, 2000

r: PEPTIDE NUCLEIC ACIDS HAVING ANTIBACTERIAL ACTIVITY

EXPRESS MAIL LABEL NO: EL 884782297 US

Examiner: A. Marschel

DATE OF DEPOSIT: January 15, 2003

Box AF Assistant Commissioner for Patents Washington, D.C. 20231

REQUEST FOR RECONSIDERATION

This is further to the Notice of Appeal filed on December 20, 2002 and is intended to place the application in condition for allowance.

Applicants acknowledge, with appreciation, the Examiner's withdrawal the rejections of claims 55 and 56 in the September 23, 2002 Advisory Action. Applicants also thank the Examiner for returning our January 13, 2003 call and confirming that the filing of a terminal disclaimer to remove U.S. Patent No. 6,300,318 as a reference would place the pending claims in condition for allowance.

Claims 23 and 25-28 stand rejected as allegedly unpatentable under the doctrine of obviousness-type double patenting over claims 1-6 and 12 of U.S. Patent No. 6,300,318 (the 318 Patent). Although Applicants do not agree that the claimed subject matter would have

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been obvious to those of ordinary skill in view of the 318 Patent claims, in view of the fact no reduction of the term of a patent issuing on the present patent application will result by filing a terminal disclaimer with respect to the 318 Patent, Applicants choose to obviate the rejection for alleged double patenting by filing such a terminal disclaimer. This terminal disclaimer is enclosed herewith.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejections and an allowance of all of pending claims is earnestly solicited.

Respectfully submitted,

John W Caldwell Registration No. 28,937

John A. Harrelson, Jr. Registration No. 42,637

Date: January 15, 2003

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